

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 5, 15, 16, 17, 23, 31, 35 and 36 are currently being amended. Applicant has amended these claims to more clearly recite various aspects of the invention. No amendments are made to overcome any prior art reference.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-36 remain pending in this application.

Rejections under 35 U.S.C. § 101

Claims 35 and 36 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant has amended claims 35 and 36 to recite a computer program “embodied on a computer readable medium.” Therefore, claims 35 and 36 are now directed to statutory subject matter. The rejection under 35 U.S.C. § 101 should now be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 17-36 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,107,066 to Toth et al. (hereinafter “Toth”). Applicant respectfully traverses this rejection for at least the following reasons.

Embodiments of the present invention relate to linking a service context to a terminal connection in a network controlling device of a data network. As noted in the abstract of the disclosure, in accordance with embodiments of the present invention, network resources can be optimized. In this regard, rather than a terminal device informing the GGSN of its interest for a service, the terminal device is informed of the service provision by the data network

through a service notification. Accordingly, independent claim 17 recites a terminal device which forward a service indication “in response to a service notification received from said data network.” Claims 23, 35 and 36 each recite a similar feature.

Toth fails to teach or suggest at least this feature of the pending claims. In contrast to the above-described features of the present invention, Toth discloses a mobile terminal which informs the GGSN of its interest for a specific multicast service. The mobile station issues a membership report message to the GGSN to obtain the service. See Toth, Figures 3-4; col. 5, line 50 – col. 6, line 67.

The Office Action cites Toth as disclosing the above-noted feature of the claimed invention. Applicant respectfully disagrees with the Examiner’s interpretation of the disclosure of Toth. Specifically, the Office Action alleges that Toth discloses certain features of the terminal device of the pending claims when, in fact, Toth discloses the GGSN as having those features. For example, in rejecting claim 19, the Office Action alleges that Toth discloses “wherein said terminal device forwards said service indication in a dedicated message” at Toth, col. 7, lines 18-34. See Office Action dated January 2, 2008, Page 3. However, the cited portion of Toth clearly relates to the GGSN, not any terminal device or the mobile terminal.

Thus, Toth fails to anticipate independent claims 17, 23, 35 and 36. Accordingly, claims 17, 23, 35 and 36 are patentable. Claims 18-22 depend, either directly or indirectly, from allowable claim 17 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole. Similarly, claims 24-30 depend, either directly or indirectly, from allowable claim 17 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Applicant has rewritten claim 31 in independent form. Claim 31 recites the above-noted feature and is, therefore, also patentable.

As to claims 32-34, each of claims 32-34 depends indirectly from claim 1. As noted below, claim 1 is patentable. Therefore, claims 32-34 are patentable at least for their

dependency from allowable claim 1, as well as for additional patentable features when those claims are considered as a whole.

Rejections under 35 U.S.C. § 103

Claims 1-11 and 13-16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Toth in view of WO 01/80525 to Hans et al. (hereinafter “Hans”). Applicant respectfully traverses this rejection for at least the following reasons.

As noted above, in accordance with embodiments of the present invention, a terminal device is informed of the service provision by a data network through a service notification. Accordingly, independent claim 1 recites “broadcasting a service notification from said data network”

As noted above, Toth fails to teach or suggest this feature. Hans fails to cure this deficiency of Toth. Hans is cited for its purported disclosure of “authorized service activation.” See Office Action dated January 2, 2008, Page 8. The Office Action does not cite Hans as disclosing the above-noted feature of claim 1. After a careful review of the disclosure of Hans, Applicant is unable to find any teaching or suggestion in Hans that is relevant to the above-noted feature of claim 1.

In order to establish a *prima facie* case of obviousness, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. § 2142 (emphasis added). Since neither Toth nor Hans teaches or suggests at least the above-noted feature of claim 1, the Office Action fails to establish a *prima facie* case of obviousness for claim 1.

Accordingly, independent claim 1 is patentable. Claims 2-11 and 13-16 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Claim 12 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Toth in view of Hans and further in view of the UMTS MBMS reference. Applicant respectfully traverses this rejection for at least the following reasons.

Claim 12 depends indirectly from allowable claim 1 and is, therefore, patentable for at least that reason, as well as for additional patentable features when that claim is considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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